

AFFIDAVIT OF SERVICE**State of New York****County of****Us Dist. Southern Dist. Of New York Court**

Index Number: CIV5170/08 PURCHASED 6/5/08

Date Filed: _____

Plaintiff:

**DAVID MIZRAHI, INDIV. AND ON BEHALF OF ALL OTHERS SIMILARLY
SITUATED**

vs.

Defendant:

THE BEAR STERRNS COMPANIES INC. ETAL

For:

Tolmage, Peskin, Harris & Falick Esq
 20 Vesey Street
 7th Floor
 New York, NY 10007

Received by Brooklyn Process Service on the 6th day of June, 2008 at 9:00 am to be served on **JAMES E. CAYNE C/O THE BEAR STEARNS COMPANIES INC., 320 PARK AVENUE, NEW YORK, NY.**

I, WILLEM JOSEPH, being duly sworn, depose and say that on the **16th day of June, 2008** at **1:37 pm**, I:

Served a **Suitable Age Person** by delivering and leaving a true copy of the **SUMMONS AND CLASS ACTION COMPLAINT FOR VIOLATIONS OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT** with DAVID PETERCSAK, CO-WORKER at the within named address, the said premises being the respondent's **ACTUAL PLACE OF BUSINESS** within the state of New York. On 6/16/08 Deponent completed service by depositing a copy of the writ in a postpaid properly addressed envelope bearing the legend "Personal & Confidential" and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served in an official depository of the U.S.P.S. in the State of New York.

Military Status: That at the time of service as aforesaid, I asked person receiving service whether the recipient was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid, I aver that the defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

Description of Person Served: Age: 48, Sex: M, Race/Skin Color: White, Height: 5'10", Weight: 180, Hair: Brown, Glasses: N

I am over the age of 18 years, am not a party to this action, and reside in the State of New York

Sworn to before me on the 16th day of June, 2008 by the affiant who is personally known to me.

Lorna Dyges
 Notary Public State Of New York
 No.01DY6026234
 Qualified in Queens County
 My Commission Expires June 14,2011



WILLEM JOSEPH
 NYC Lic #1038476

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 Our Job Serial Number: 2008001500

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